

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,	:	
	:	
v.	:	CRIMINAL INDICTMENT
	:	NO. 1:12-CR-322
SANTAS HERNANDEZ,	:	
Defendant.	:	

ORDER

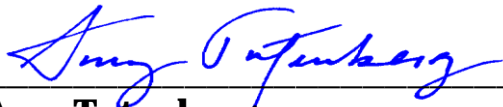
Defendant's timely objections [Doc. 52] to the Magistrate Judge's Final Report and Recommendation ("R&R") [Doc. 49] are currently before the Court. The R&R recommends the denial of Defendant's Motion to Suppress Evidence [Doc. 13]. Pursuant to 28 U.S.C. § 636(b)(1), the Court reviews any portion of the R&R that is the subject of a proper objection on a *de novo* basis and any non-objected portion on a "clearly erroneous" standard. Defendant objected on numerous grounds to the Magistrate Judge's Report and Recommendation. Accordingly, the Court has reviewed the record in this case on a *de novo* basis, including among other items all videos, and additionally conducted a supplemental evidentiary hearing on November 21, 2013.¹

For the reasons more fully set forth in a Memorandum Opinion to be filed later this week, the Court adopts in part and modifies in part the Report and Recommendation. Further, the Court **DENIES** Defendant's Motion to Suppress [Doc. 13], based on the collective knowledge doctrine,

¹ The Magistrate Judge conducted an evidentiary hearing on March 27, 2013.

although the Court notes in this instance, the attenuated, minimal knowledge of Douglas County Deputy Manwaring. *See United States v. Burton*, 2013 WL 5954727, at *8 (M.D. Fla. Sept. 6, 2013) (discussing the application of the collective knowledge doctrine in *United States v. Hensley*, 469 U.S. 221, 231-32 (1985)); *United States v. Glinton*, 154 F.3d 1245, 1257-1258 (11th Cir. 1998). As will be discussed more fully in the Memorandum, the Court also finds that neither probable cause nor reasonable suspicion supported Officer Manwaring's stop of Defendant's vehicle based on her purported traffic violation. *See United States v. Bryson*, 2013 WL 5739055, at *4 (N.D. Ga. Oct. 21, 2013).

So **ORDERED** this 13th day of January, 2014.



Amy Totenberg
United States District Judge